

**UNITED STATES BANKRUPTCY COURT
FOR THE DISTRICT OF MINNESOTA**

IN RE:)	Case No. BK 22-60108
)	
LAURIE ANN HALUPCZOK)	Chapter 13
JAMES MATTHEW HALUPCZOK,)	
)	
Debtor.)	

**MOTION FOR RELIEF FROM THE AUTOMATIC STAY
PURSUANT TO 11 U.S.C. 362(d)(1) and (2)**

COMES NOW Sartell MHP, LLC and MHCA Homes, LLC (hereinafter "Movant"), by and through their attorney of record, Patrick M. Patino, and in support of their Motion for Relief from the Automatic Stay pursuant to 11 USC § 362(d) and and Fed. Bankr. R. 4001(a)(3) states the following:

1. Debtors filed this Chapter 13 bankruptcy case on April 5, 2022.
2. Debtors and Sartell entered into a Manufactured Homesite Lease Agreement and a Home Lease agreement with MHCA Homes, LLC on June 28, 2019 for Unit 190, 190 Lowell Lane, Sartell, MN 56377 (the "Property"). See Exhibit A - Lease Agreements.
3. Sartell filed a Proof of Claim on June 13, 2022 that covered amounts due and owing by the Debtors totalling \$6,264.68 for the lease agreements. The amount necessary to cure as of the date of the petition was \$4,164.17. The Debtors also owed post-petition amounts totalling \$2,100.51, which is an administrative expense claim pursuant to 11 U.S.C. Section 507(a)(2).
4. Debtors have not made a payment since January 4, 2022 and have made no payments since the case was filed. See Exhibit B - Payment History.
5. That the Order sustaining this Motion should provide that it is effective immediately upon entry and that the 14-day stay provided for in Bankruptcy Rule 4001(a)(3) shall not apply.
6. That cause exists for relief from the automatic stay for the following

reasons:

- a. The Movant lacks adequate protection of its interest in the Property;
- b. The Debtors have made no payment since January 4, 2022 to the Movant and do not appear to have the ability to make a payment going forward;
- c. The Debtors do not have any equity in the Property and it is not necessary for an effective reorganization; and
- d. If Movant is not provided relief from stay and to be permitted to evict the Debtors and take possession of the Property, it will suffer irreparable injury, loss, and damage.

WHEREFORE, Sartell MHP, LLC and MHCA Homes, LLC, move the Court, upon notice to all interested parties and upon a hearing, for an Order granting Sartell MHP, LLC and MHCA Homes, LLC, the requested relief from the automatic stay pursuant to 11 USC § 362(d), permitting Sartell MHP, LLC and MHCA Homes, LLC, to evict the Debtor and take possession of the Property, that this Court waive the 14-day stay described in Bankruptcy Rule 4001(a)(3), and that the Court grant Fund all other and further relief the Court deems just and equitable.

DATED: August 31, 2022.

Sartell MHP, LLC and
MHCA Homes, LLC,
Creditors/Movants

/s/ Patrick M. Patino

Patrick M. Patino
Attorney No. #0402510
Patino King LLC
12020 Shamrock Plaza
Omaha, NE 68154
(402) 401-4050
patrick@patinoking.com
Attorney for Sartell MHP, LLC and
MHCA Homes, LLC

**UNITED STATES BANKRUPTCY COURT
FOR THE DISTRICT OF MINNESOTA**

IN RE:)	Case No. BK 22-60108
)	
LAURIE ANN HALUPCZOK)	Chapter 13
JAMES MATTHEW HALUPCZOK,)	
)	
Debtor.)	

NOTICE OF HEARING

PLEASE TAKE NOTE that the Hearing on the Motion for Relief from the Automatic Stay is scheduled on September 27, 2022 at 1:00 p.m., U.S. Bankruptcy Courthouse, Courtroom 2, 2nd Floor, 118 Mill Street, Fergus Falls, Minnesota.

Any objection to this Motion shall be filed and served not later than 48 hours prior to the time and date set for the hearing.

Dated this 31th day of August, 2022.

Sartell MHP, LLC and
MHCA Homes, LLC,
Creditors/Movants

/s/ Patrick M. Patino
Patrick M. Patino
Attorney No. #0402510
Patino King LLC
12020 Shamrock Plaza
Omaha, NE 68154
(402) 401-4050
patrick@patinoking.com
Attorney for Sartell MHP, LLC and
MHCA Homes, LLC

**UNITED STATES BANKRUPTCY COURT
FOR THE DISTRICT OF MINNESOTA**

IN RE:)	Case No. BK 22-60108
)	
LAURIE ANN HALUPCZOK)	Chapter 13
JAMES MATTHEW HALUPCZOK,)	
)	
Debtor.)	

UNSWORN CERTIFICATE OF SERVICE

I, Patrick M. Patino, declare under penalty of perjury that on August 31, 2022 I caused to be served the Motion for Relief from Automatic Stay via the CM/ECF system to those parties requesting electronic notification and upon the parties listed below by U.S. postal service, postage prepaid to:

Laurie Ann Halupczok
190 Lowell Lane
Sartell, MN 56377-2036

James Matthew Halupczok
190 Lowell Lane
Sartell, MN 56377-2036

Dated: August 31, 2022

/s/ Patrick M. Patino
Patrick M. Patino

**UNITED STATES BANKRUPTCY COURT
FOR THE DISTRICT OF MINNESOTA**

IN RE:)	Case No. BK 22-60108
)	
LAURIE ANN HALUPCZOK)	Chapter 13
JAMES MATTHEW HALUPCZOK,)	
)	
Debtor.)	

ORDER GRANTING RELIEF FROM STAY

This case is before the court on the motion of Sartell MHP, LLC and MHCA Homes, LLC for relief from the automatic stay imposed by 11 U.S.C. ' 362(a).

Based on the record, the court finds that grounds exist under 11 U.S.C. ' 362(d) to warrant relief.

IT IS ORDERED:

1. The motion for relief from stay is granted as follows.
2. The automatic stay imposed by 11 U.S.C. ' 362(a) is terminated such that the movant may exercise its rights and remedies under applicable nonbankruptcy law with respect to the following property:

Unit 190, 190 Lowell Lane, Sartell, MN 56377.
3. Notwithstanding Fed. R. Bankr. P. 4001(a)(3), this order is effective immediately.

Dated:

United States Bankruptcy Judge